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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO/OAKLAND DIVISION

ALAMEDA COUNTY MALE PRISONERS
And Former Prisoners, DANIEL GONZALEZ,
et al. on behalf of themselves and others similarly
situated, as a Class, and Subclass
PLAINTIFFS,

vs.

ALAMEDA COUNTY SHERIFF'S
OFFICE, et al

DEFENDANTS.

No. 3:19-cv-07423 JSC

**DECLARATION OF DAVID MISCH
IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

Date: March 10, 2022

Time: 9 a.m.

Dept: Courtroom E, 15th Floor

Hon. Jacqueline S. Corley, presiding

I, DAVID MISCH, declare:

1. I am currently a plaintiff and an inmate in Santa Rita Jail. I make this declaration of my own true knowledge. If called to testify, I can and will testify as stated herein.

2. I regularly experience hunger in Santa Rita Jail. This is because, despite what the jail's menu say, the actual food on the trays I receive, are generally substantially less, so I am not getting the quantity that Santa Rita Jail is required to provide.
3. In my earlier declaration (Dkt 71-7, and 85) I stated that the jail had been providing me with an extra food tray to make up for the food shortages on a single tray. That practice was stopped. I believe it was only made since I had so publicly made known the food shortages and my weight loss. I am currently on single trays, and the food portions are even smaller.
4. Starting on February 1, 2022, the jail started using new trays. The tray pockets are noticeably smaller. I took the new trays and measured the quantities using an 8 ounce cup. If the large tray cup is filled to the brim the large cup holds 10 ounces and the small cup holds 5 ounces. But, we never get food in our trays to the brim.
5. Attached as Exhibit A are food logs I have made which keep track of every item on every tray I received, since January 2, 2022; and the quantity. You can see that there are lots of shortage. You can also see all the instances where the food was inedible because it was either overcooked to the point that I can't even chew it, or it was spoiled or rotten. I have been hungry every day since February 1, 2022.
6. I cannot afford commissary, so I am totally reliant on the jail food.
7. Attached as Exhibit B are the grievances I have filed. The jail has done nothing to correct this problem. I have put in a medical request slip to have my weight measured. I know that I am losing weight. I feel lethargic, and am feeling cold due to the lack of sufficient food.
8. Attached as Exhibit C are the grievance responses I have received to my grievances on being shorted food, or having insufficient food because the food had gone bad. While every grievance says they will get me a replacement tray, that is not true. I have not been getting replacement trays. In fact the jail now says I cannot get replacement food, and the jail is not providing me with any additional food. The jail tells me that replacement food or supplemental food is only available with a medical authorization.

1 I, DAVID MISCH, declare that I provided Yolanda Huang with the originals of these
2 documents which are attached as exhibits, and reviewed the documents and this declaration
3 with Yolanda Huang on February 12, 2022. Due to the jail's quarantines and visiting
4 difficulties, I could not personally sign this declaration. In my conversation with Ms.
5 Huang, I authorized her to sign this Declaration on my behalf.
6 Executed this 14th day of February, in Berkeley, California.

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8 /s/ Yolanda Huang
9 Yolanda Huang
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